

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL EVANS and BARBARA EVANS,
individually and as a marital community,

Plaintiffs,

vs.

ALBERTSON'S, LLC, a foreign limited
liability company, doing business as HAGGEN
NORTHWEST FRESH,

Defendant.

No.

DEFENDANT'S NOTICE OF REMOVAL
OF ACTION TO 28 U.S.C. §§ 1332, 1441
AND 1446

[REMOVED FROM SNOHOMISH
COUNTY SUPERIOR COURT CAUSE
NO. 21-2-06004-31]

TO: Clerk, U.S. District Court, Western District of Washington at Seattle;

AND TO: Plaintiff's Counsel of Record.

Defendant hereby removes to this Court the state court action described below on the
grounds stated herein, and as supported by the Declaration of Kimberly A. Reppart and the exhibits
attached thereto.

I. INTRODUCTION & STATEMENT OF FACTS

On December 23, 2021, Plaintiff served defendant Albertson's LLC with a lawsuit
captioned in Snohomish County Superior Court entitled *Michael Evans and Barbara Evans v.*
Albertson's, LLC, Declaration of Kimberly A. Reppart, Exs. 1 and 2.

DEFENDANT'S NOTICE OF REMOVAL OF ACTION TO 28 U.S.C. §§ 1332, 1441
AND 1446 – 1
CAUSE NO.

3142225 / 824.0105

FORSBERG & UMLAUF, P.S.
ATTORNEYS AT LAW
901 FIFTH AVENUE • SUITE 1400
SEATTLE, WASHINGTON 98164
(206) 689-8500 • (206) 689-8501 FAX

This Notice of Removal is timely under 28 U.S.C. § 1446(b)(1) because it is being filed “...within thirty days after receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based...” 28 U.S.C. § 1446(b)(1). Plaintiff is claiming more than \$75,000 in damages, as confirmed by Plaintiff’s Response to Defendant’s Request for Admission and in a lien letter from Rawlings documenting \$80,015.83 in alleged medical specials. Reppart Decl., Exs. 4 and 5

Plaintiff is a resident of the State of Washington. Reppart Decl., ¶ 2 and Ex. 5. Albertsons, LLC is a Delaware corporation with headquarters located in Boise, Idaho. Reppart Decl., Ex. 3.

II. BASES FOR REMOVAL

A. There is Complete Diversity of Citizenship under 28 USC § 1332.

This Court has subject matter jurisdiction over this civil action pursuant to 28 U.S.C. § 1332(a)(1) and (a)(3), and this action is one that can be removed to this Court by Defendant pursuant to 28 U.S.C. § 1441(b) in that it is a civil action between citizens of different states and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

The Plaintiff is a resident of Washington State. Reppart Decl., ¶ 2 and Ex. 5. Defendant Albertson’s, LLC is a Delaware corporation with headquarters located in Boise, Idaho. Reppart Decl., Ex. 3. Removal of the Plaintiff’s action to this Court is proper because there is complete diversity of citizenship of the parties pursuant to 28 U.S.C. § 1332, and there was complete diversity at the time Plaintiff’s lawsuit was served.

B. The Amount in Controversy Exceeds the Jurisdictional Minimum.

Plaintiff is claiming more than \$75,000 in damages, as confirmed by Plaintiff’s Response to Request for Admission and the lien letter from Rawlings documenting \$80,015.93 in alleged

1 medical specials. Reppart Decl., Exs. 4 and 5. This information is sufficient to conclude that
 2 plaintiff seeks to recover in excess of \$75,000 in damages against Defendant.

3 **C. This Notice of Removal is Timely Under 28 USC § 1446(b).**

4 This Notice of Removal is timely under 28 U.S.C. § 1446(b)(1) because it is being filed
 5 "...within thirty days after receipt by the defendant, through service or otherwise, of a copy of the
 6 initial pleading setting forth the claim for relief upon which such action or proceeding is based..."
 7 28 U.S.C. § 1446(b)(1).

8 **D. This Notice of Removal Complies with the Applicable Local Rules, and**
 9 **Venue Is Proper in the Western District of Washington under 28 U.S.C. §**
128(b).

10 This Notice of Removal complies with all applicable Federal Rules of Civil Procedure and
 11 Local Rules. Defendant has attached to the Declaration of Kimberly Reppart, filed in support of
 12 this Notice, copies of all process, pleadings, and orders served upon it in the state court action, as
 13 required by 28 U.S.C. § 1446. Venue is proper in this District pursuant to 28 U.S.C. §§ 128(b)
 14 and 1391, because this District encompasses Snohomish County, the county listed in the state court
 15 complaint served on Defendant.

16 Defendant is serving Plaintiff with copies of this Notice of Removal and the supporting
 17 Declaration of Kimberly Reppart (with exhibits).

18 **III. CONCLUSION**

19 Plaintiff's civil action, originally venued in Snohomish County Superior Court for the State
 20 of Washington, may be removed pursuant to 28 U.S.C. 1441 and 1446 to the United States District
 21 Court for the Western District of Washington at Seattle.

1 DATED this 20th day of January, 2022.

2 FORSBERG & UMLAUF, P.S.

3 

4 _____
5 Kimberly A. Reppart, WSBA #30643
6 901 Fifth Avenue, Suite 1400
7 Seattle, WA 98164
8 Tel: 206-689-8500
9 Facsimile: 206-689-8501
10 Email: kreppart@foum.law
11 Attorney for Defendant

12 FORSBERG & UMLAUF, P.S.

13 

14 _____
15 Alexandra E. Ormsby, WSBA #52677
16 901 Fifth Avenue, Suite 1400
17 Seattle, WA 98164
18 Tel: 206-689-8500
19 Facsimile: 206-689-8501
20 Email: aormsby@foum.law
21 Attorney for Defendant
22
23